

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12363 of Carl S. Gewirtz and Elizabeth W. Dugan, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a special exception under Paragraph 3105.42 to construct two (2) row dwellings (flats) and one semi-detached dwelling (flat) in the R-5-A zoning district at the premises 4427, 4427½ and 4429 MacArthur Boulevard, N.W., (Square 1363, Lots 22 and 956).

HEARING DATE: April 20, 1977
DECISION DATE: May 17, 1977

FINDINGS OF FACT:

1. The subject property has frontage on MacArthur Boulevard for approximately 51 feet with a depth from MacArthur Boulevard of approximately 100 feet. The lot has previously been improved with a detached frame dwelling.

2. The applicant proposes to construct three buildings in a fashion similar to that of row dwellings with the option in each building for a rental unit. As shown on the applicant's site plan, the proposed lots meet the minimum lot area and open space requirements of the R-5-A district. Each of the houses has a lot area in excess of 2,000 square feet. The height of the buildings will be approximately 30 feet. The F.A.R. and lot occupancy of each building is below that permitted. The rear yard required is 20 feet and the rear yards provided are approximately twice that depth.

3. Under Paragraph 3105.42 of the Zoning Regulations for the R-5-A districts, the Board is required to review all new residential developments other than one-family detached or semi-detached dwellings and make findings with the standards set forth in that paragraph of the Zoning Regulations. Accordingly, the Board makes the following findings:

- a. The application was referred to the District of Columbia, Board of Education by the applicant, for comment and recommendation, on March 10, 1977. No report from the Board of Education was received.

- b. The Department of Transportation , by memorandum dated May 11, 1977, has no objection to the project.
- c. The application was referred to the Department of Housing and Community Development by the applicant, for comment and recommendation, on March 10, 1977. No report from the Department was received.
- d. The Board referred the application to the Municipal Planning Office for comment and recommendation. In a memorandum to the Board dated March 18, 1977, the Municipal Planning Office recommended that the site plan as proposed be denied. Subsequent to that memorandum, the Municipal Planning Office again reviewed the applicant's site plan and at the public hearing, recommended approval of the site plan.
- e. The applicant's have met all filing requirements and submitted plans to the Board as required by the Zoning Regulations.

4. The Board finds that the applicants will provide two (2) parking spaces for each flat use as required by the Zoning Regulations.

5. The applicant has testified that access to the property will be from the existing private access way at the west side of the property, with access to MacArthur Boulevard. The Board thus finds that no new curb cuts will be necessary.

6. The applicants have shown a landscape treatment of the buildings which calls for patios, additional plantings, and a wooden stockage screen fence to the rear of the parking area. Landscaping will include evergreen plantings, both at the front and rear of the buildings, as shown on the site plan. Applicant's revised site plan, described and discussed at the public hearing, provides for a brick masonry wall on the eastern property line as requested by the adjoining owner to the east.

7. The Board finds pursuant to Section 8207.2 of the Zoning Regulations that this application carries out the purposes of the Zoning Regulations in that new housing will be provided after review at various District of Columbia and other agencies.

The Board further finds that the character of the area is that of mixed residential uses including apartments, townhouses, and detached and semi-detached dwellings. There are also in the area a number of institutional uses. This Board, on two occasions in recent years, has approved similar type projects in the same square. The Board also finds that the type of unit proposed permits the owner to defray his mortgage expenses by renting out a portion of the building. The same unit can readily be converted to single-family usage.

8. There was no opposition to the granting of this application either in the record or at the public hearing.

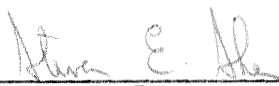
CONCLUSIONS OF LAW:

The Board is of the opinion that the applicant has met all the requirements of Paragraph 3105.42 and Sub-section 8207.2 of the Zoning Regulations. The site plan provided was duly referred to the departments and agencies specified in Paragraph 3105.42 with either no comment, no objection or approval recommended by each of the departments or agencies. The site plan meets the specific criteria set forth in Paragraph 3105.42. Additionally, the Board finds that the projects will be in harmony with the general intent and purposes of the Zoning Regulations and will not adversely affect the use of the neighboring property in accordance with the Zoning Regulations and Maps. It is therefore ORDERED that the above application be GRANTED in accordance with the revised site plan submitted prior to and discussed at public hearing

VOTE: 4-0 (William F. McIntosh, Charles R. Norris and Leonard L. McCants, Esq., to Grant, Dr. Walter B. Lewis Granting by proxy).

BY ORDER OF THE D. C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____


STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 28 JUN 1977

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THAT THE ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS
ONLY UNLESS APPLICATION FOR A BUILDING AND/OR OCCUPANCY PERMIT
IS FILED WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
WITH A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER